

Curative Petition

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About Curative Petition:

- It is the **final and last option** for the people to **acquire justice** as mentioned and promised by the Constitution of India.
- It is a way to **ask the court to review** and revise their **own decision**, and it is filed after a review petition is dismissed or used.
- **Objective:** It is meant to ensure there is **no miscarriage of justice** and to prevent abuse of process.
- **Background**
 - The concept of curative petition originated from the case of **Rupa Ashok Hurra Vs. Ashok Hurra and another case (2002)** where the following question arose before the court of law: 'whether an aggrieved person is entitled to any relief against the final judgment/order of the Supreme Court, after the dismissal of a review petition?'.
 - In this case, a five-judge constitution bench of the Supreme Court unanimously held that in order to rectify gross miscarriage of justice, the court will allow the curative petition filed by the victim.
- **Constitutional Background**
 - The **Article 137** of the Indian Constitution broadly supports the idea of a curative petition.

- It states that the “Supreme Court has the power to review any judgment pronounced (or order made) by it if the matter concerns the laws and rules made under **Article 145**”.
 - These petitions can be entertained if the petitioner establishes there **was a violation of the principles of natural justice**, and that he was not heard by the court before passing an order.
 - It will also be admitted where a judge failed to disclose facts that raise the apprehension of bias.
 - **Hearing of Curative petitions**
 - A curative petition must first be circulated to a bench of **the three senior-most judges and the judges** who passed the concerned judgment, if available.
 - Only when a majority of the judges conclude that the matter needs hearing should it be listed, as far as possible, before the same bench.
 - A curative petition is usually **decided by judges in chamber**, unless a specific request for an open-court hearing is allowed.
 - It shall be open to the Bench at any stage of consideration of the curative petition to ask a senior counsel to assist it as amicus curiae.
 - In the event of the bench holding at any stage that the petition is without any merit and vexatious, it may impose exemplary costs on the petitioner.
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Q1) What is a writ?

It is a formal, legal document that orders a person or entity to perform or to cease performing a specific action or deed.

Source: [Allowing curative plea, how Supreme Court pushes the envelope](#)

Source: <https://vajiramandravi.com/current-affairs/curative-petition/>

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